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UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEW HAMPSHIRE

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UNITED STATES OF AMERICA	*	
	*	09-CR-30-01/02-GZS
v.	*	July 7, 2009
	*	12:25 p.m.
EDWARD BROWN and ELAINE BROWN	*	
	*	
* * * * *		

Day 6
Afternoon Session
TRANSCRIPT OF TRIAL
BEFORE THE HONORABLE GEORGE Z. SINGAL
and a jury

Appearances:

For the Government:	Arnold Huftalen, AUSA Terry Ollila, AUSA U.S. Attorney's Office 53 Pleasant Street Concord, NH 03301
For the Defendant, Edward Brown:	Michael J. Iacopino, Esq. Brennan, Caron, Lenehan & Iacopino 85 Brook Street Manchester, NH 03104
For the Defendant, Elaine Brown:	Bjorn R. Lange, Esq. Federal Defender Office 22 Bridge Street Concord, NH 03301
Court Reporter:	Diane M. Churas, LCR, CRR Official Court Reporter U.S. District Court 55 Pleasant Street Concord, NH 03301 (603) 225-1442

1 I N D E X

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4 WITNESS: DIRECT CROSS REDIRECT RECROSS

5 EDWARD BROWN

6 By Mr. Huftalen 3

7 WILLIAM SCOTT DION

8 Voir dire by the Court, page 82

9 CATHERINE FLOYD DION

10 Voir dire by the Court, page 85

11

12 EXHIBITS: ID. Evid.

13 Government's Exhibit 47 4

14 Government's Exhibit 5k 14

15 Government's Exhibit 27a-36 20

16 Government's Exhibit 5p 26

17 Government's Exhibit 17a 56

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1 BEFORE THE COURT

2 (Edward Brown resumed the stand.)

3 THE COURT: Mr. Brown, try to speak a little
4 bit slower so the jury can understand you.

5 BEFORE THE JURY

6 THE COURT: You may proceed with
7 cross-examination.

8 MR. HUFTALEN: Thank you.

9 CROSS-EXAMINATION

10 BY MR. HUFTALEN:

11 MR. HUFTALEN: Mr. Brown, as you know, my name
12 is Arnold Huftalen. I'm Assistant U.S. Attorney here in
13 the District of New Hampshire. I'm going to ask you a
14 series of questions. If you don't understand my
15 question, please tell me and I will rephrase it in a way
16 that makes it more clear.

17 THE WITNESS: Yes, sir.

18 Q. Mr. Brown, early in your direct testimony you
19 talked about your membership in what I believe is the
20 U.S. Constitution Rangers; correct?

21 A. That is correct, sir.

22 Q. Oftentimes people will say Constitutional
23 Rangers, but it's really Constitution Rangers; right?

24 A. That is correct, sir.

25 Q. And on a number of occasions during your

1 direct testimony you referred to yourself as a ranger.

2 You were referring to your membership in that

3 organization, not in the United States Army; correct?

4 A. That is correct.

5 Q. When you were asked about the U.S.

6 Constitution Ranger organization by Mr. Iacopino, he

7 asked you whether or not it was a militia, and your

8 answer was a fairly emphatic no. Is that right?

9 A. That's correct, sir.

10 Q. Sir, I'm going to hand you what I'm going to

11 mark as the next government sequential exhibit, which I

12 think will be Government's Exhibit 47?

13 THE CLERK: That is correct.

14 (Government's Exhibit 47 was

15 marked for identification.)

16 Q. And I'd just like to show it to you and ask

17 you whether or not that's on the front cover, "The

18 Ranger Handbook for the United States Constitution

19 Ranger"?

20 A. That is correct, sir.

21 Q. Let me show you page 31.

22 MR. IACOPINO: Objection, your Honor. May we

23 approach?

24 THE COURT: Of course.

25 AT SIDE BAR

1 MR. IACOPINO: Your Honor, on Mr. Brown's
2 direct testimony he attempted to read a portion of the
3 mission of the Constitution Ranger. The Court
4 disallowed him from doing that, did not permit him to do
5 it. I think that the same ruling ought to apply to
6 reading out of some handbook at this point in time.

7 MR. HUFTALEN: I did object. I believe I
8 objected on hearsay grounds and it was appropriate.
9 What I'm doing now is impeaching his credibility.

10 MR. IACOPINO: This is not a statement by him,
11 your Honor.

12 THE COURT: Are you objecting to the admission
13 of this document?

14 MR. IACOPINO: I'm objecting to him reading
15 anything out of it and asking the witness any questions
16 about it.

17 MR. HUFTALEN: I'm not going to offer this.

18 THE COURT: Ask a question, you object, I'll
19 rule.

20 MR. HUFTALEN: Thank you.

21 IN OPEN COURT

22 Q. Mr. Brown, on direct you said that the U.S.
23 Constitution Rangers was not a militia; right?

24 A. That is true, sir.

25 Q. I've got what is marked Government's Exhibit

1 47 ID and I want to show you page 31 and just point to
2 the heading on that page where it says "the militia."

3 MR. IACOPINO: Objection, lack of foundation,
4 move to strike.

5 THE COURT: Sustained.

6 Q. Why don't you take a look at this and tell me
7 whether it is the Ranger Handbook for the U.S.
8 Constitution Ranger. Please, sir, just look at it
9 quietly and tell us whether or not it is.

10 A. I designed it, so --

11 Q. Please, sir, just look at it quietly and tell
12 us whether or not it is.

13 A. It is correct, so far.

14 (Witness examined document.)

15 A. Yes, sir, that is correct.

16 Q. That is the handbook of the U.S. Constitution
17 Ranger?

18 A. That is a copy or a draft of one of them, yes,
19 sir.

20 Q. And did I understand you to say a moment ago
21 that you wrote this book?

22 A. No, I didn't write it. I was part of
23 developing that book; that's correct, sir.

24 Q. What's your official or what was your official
25 title within the U.S. Constitution Ranger?

1 A. I was merely a member of the organization in
2 the year 2000. By late 2001 I was requested if I would
3 take a commander's position, which I accepted to do and
4 which I held for about three years and turned it over to
5 someone else.

6 Q. Were you ever the national commander for the
7 U.S. Constitution Rangers?

8 A. That's correct.

9 Q. Now, page 31 of this book that you helped put
10 together talks at least on this page and goes on to
11 others about the militia; right?

12 A. That's correct, yes, it does.

13 Q. The Constitution Rangers, according to this
14 book, have an obligation to enforce the laws of the
15 United States. Is that right?

16 A. Well, our job -- we don't have enforcement
17 ability, no, sir, we do not.

18 Q. Is it the position of the U.S. Constitution
19 Rangers that they are to ferret out corruption in
20 government, if you will?

21 A. That's correct, sir.

22 Q. And that lawful authority comes from whom?

23 A. You.

24 Q. Comes from me?

25 A. Yeah. Comes from everybody in this room.

1 Q. When did I authorize you to go ferret out
2 corruption in the United States, sir?

3 A. When the U.S. Attorney's Office failed to do
4 its job. We brought the job to the U.S. Attorney's
5 Office -- or the information to the U.S. Attorney's
6 Office and they refused to accept it. You now turned it
7 over to everybody else and us.

8 Q. And at that point you took the law into your
9 own hands, didn't you?

10 A. That's right. You won't take it. Your office
11 denied it. And that's nothing to argue about --

12 THE COURT: Just a second. Wait, Mr. Brown,
13 for another question.

14 Q. I think on your direct testimony you said that
15 your first true direct experience with the United States
16 Government was when you called the military to try to
17 get them to use your extermination process nationwide.
18 Am I right? Yes or no, please.

19 A. As I recall offhand.

20 Q. That's a yes?

21 A. I think so.

22 Q. And they declined to let you take care of
23 their problem nationwide, didn't they?

24 A. You could say they --

25 (Interruption by the reporter.)

1 THE COURT: Whoa, whoa. Mr. Brown, you have
2 to slow down. The court reporter has to write it down.
3 The jury will disregard the entire answer. Ask the
4 question again.

5 MR. HUFTALEN: Yes, sir.

6 Q. Your first direct experience with the United
7 States Government involved you reaching out to the
8 military to provide them with an extermination service.
9 Is that right? That requires a yes or no answer.

10 A. No.

11 Q. Okay. On your direct examination did you say
12 that your first true direct experience was -- with the
13 United States Government was when you called the
14 military concerning your extermination processes?

15 A. Perhaps.

16 Q. And would it be fair to say that the U.S.
17 Government declined your offer?

18 A. It was a budgetary problem, yes, for that one.
19 They didn't want to save 90 percent.

20 Q. Short answer is they declined; right?

21 A. No. You can't answer these questions with
22 short answers, sir, because -- I know what you're trying
23 to do and it's not going to work with me, sir. I won't
24 agree with it.

25 THE COURT: Jury will disregard that. Ask a

1 question.

2 THE WITNESS: Do you want the whole truth, Mr.
3 Huftalen?

4 THE COURT: Just a second, Mr. Brown.

5 THE WITNESS: Do you want the whole truth?

6 THE COURT: Mr. Brown -- take the jury out.
7 (Jury left courtroom.)

8 BEFORE THE COURT

9 THE COURT: Mr. Brown, this is a warning.
10 You're not to act up in court. You are to answer the
11 questions, and do not add anything else.

12 THE WITNESS: Sir, you're trying to kill me
13 and my wife.

14 THE COURT: Do not talk to me during the
15 course of the examination.

16 THE WITNESS: Of course not, sir.

17 THE COURT: Can you do that?

18 THE WITNESS: I don't think so because as long
19 as you are going to disallow me to tell the truth, the
20 whole truth, and nothing but the truth, we are going to
21 have a continuous problem, yes, sir.

22 THE COURT: I'm telling you now and warning
23 you.

24 THE WITNESS: You tried to kill me, sir, so --

25 THE COURT: If you continue this --

1 THE WITNESS: Having the bailiffs come down
2 and pound me and taser me is of little value to me.

3 THE COURT: Mr. Brown, I'm indicating to you
4 that if you continue this, you will be removed from the
5 courtroom and I will strike your entire direct
6 testimony.

7 THE WITNESS: The last judge did. Why would
8 you be any different?

9 THE COURT: Are you going to behave yourself?

10 THE WITNESS: I'm not sure I understand what
11 you mean. I told you who I am, what I am. I'm here to
12 tell the whole truth. You don't seem to want it. I'm
13 having a problem with that, sir.

14 I'm a man of honor. I don't know, sir. You
15 have that title. But I am a man of honor. You don't
16 seem to want to abide by honor. I don't understand
17 that.

18 THE COURT: All right. Mr. Iacopino, do you
19 want to talk to your client?

20 MR. IACOPINO: I would like to, your Honor.

21 THE COURT: All right. Mr. Brown, step down
22 and talk to Mr. Iacopino.

23 (Pause.)

24 MR. IACOPINO: Your Honor, can I speak to Mr.
25 Brown in a private room?

1 THE COURT: You may. Is there ability to do
2 that?

3 MARSHAL: Yes.

4 THE COURT: All right. We're going to take a
5 five-minute recess.

6 (Brief recess taken.)

7 BEFORE THE COURT

8 THE COURT: Ready for the jury?

9 MR. HUFTALEN: Yes, sir.

10 THE COURT: Did you have enough time, Mr.
11 Iacopino?

12 MR. IACOPINO: Yes, sir, your Honor.

13 THE COURT: All right. Let's bring in the
14 jury.

15 THE CLERK: Yes, your Honor.

16 BEFORE THE JURY

17 THE COURT: Members of the jury, two things.
18 First, it's possible this case, the presentation of
19 evidence, will finish tomorrow. It's possible you might
20 get this case for deliberation tomorrow. I tell you
21 this only so you make plans to stay later into the
22 evening. It's not probable. It will probably be the
23 next day, but I don't want to surprise you. It's likely
24 that the day after tomorrow you will take this for
25 deliberation, and certainly you will be later then, but

1 it's possible. So just in case, make your plans so that
2 no one's caught short.

3 Second of all, the events that took place
4 prior to your being sent out this last time, strike that
5 from your mind. That's not to impact on your
6 deliberations at all.

7 Mr. Huftalen, you may continue.

8 MR. HUFTALEN: Thank you, your Honor.

9 Q. Mr. Brown, in order to save some time, I'm not
10 going to walk back and forth, but would you please look
11 over in the direction where I am. Can you see this
12 firearm that I'm holding up marked for identification as
13 Government's Exhibit 5k, as in Keith. Do you see it?

14 A. I see it.

15 Q. Do you recognize it, sir?

16 A. I do not.

17 Q. Let me walk a little bit closer. Do you
18 recall seeing this in the videos early in the trial in
19 the master bathroom of your house?

20 A. The bathroom piece, yes, I do.

21 Q. Was this gun in your master bathroom as far as
22 you know?

23 A. Yes, it was.

24 MR. HUFTALEN: Your Honor, I offer Government
25 Exhibit 5k.

1 THE COURT: No objections, admitted.

2 (Government's Exhibit 5k admitted.)

3 Q. Mr. Brown, when a search was conducted of the
4 dental property, were you allowed in after the deputy
5 marshals were there?

6 A. Only if I was disarmed.

7 Q. You were allowed in, but you had to take your
8 gun off?

9 A. Correct.

10 Q. Were you taken into custody on that day?

11 A. No, sir.

12 Q. Were you roughed up in any way?

13 A. No, sir.

14 Q. Was your wife taken into custody?

15 A. Yes, sir.

16 Q. On that day of this search she was taken into
17 custody?

18 A. That's correct.

19 Q. Where was she taken?

20 A. In the office. They were both held for hours
21 on end, a lot of the patients. There were patients and
22 staff.

23 Q. I will try to be more particular in my
24 questions. Do you know whether or not your wife on that
25 day was handcuffed and brought to a jail facility?

1 A. I don't know that.

2 Q. Okay.

3 A. I wasn't always there.

4 Q. When you were arrested on the original tax
5 charges, that took place at the dental facility, right,
6 the dental office?

7 A. Yes, it did.

8 Q. Was your wife taken into custody that same
9 day?

10 A. Correct.

11 Q. You were both put in handcuffs and taken to a
12 jail facility; correct?

13 A. Correct.

14 Q. And were you physically abused or injured
15 during the custodial portion of your time thereafter?
16 Do you understand that question? Let me ask you a
17 different question.

18 A. Depends on your interpretation. I could
19 probably explain it, but if you want.

20 Q. Let me ask it a different way. You were taken
21 into custody, and I believe your testimony was you spent
22 about ten minutes at the Plainfield police station; is
23 that right?

24 A. Um-hum.

25 Q. Yes?

1 A. Yes.

2 Q. Then you were brought down here to the U.S.
3 District Court in Concord, New Hampshire?

4 A. Correct.

5 Q. You were held in custody in a holding cell
6 here?

7 A. Um-hum.

8 THE COURT: You have to say yes or no.

9 A. Yes.

10 Q. And you were later that evening released?

11 A. Yes, I was.

12 Q. And your wife was released before you were;
13 correct?

14 A. That is correct.

15 Q. Now, your wife was not physically injured
16 during the custodial portion of that day when she was in
17 custody, was she?

18 A. Emotionally, not physically.

19 Q. And likewise, you were not physically injured
20 during that time when you were in custody that day, were
21 you?

22 A. Emotionally, not physically.

23 Q. You do understand that your wife returned to
24 the home before you did, and one of the reasons she
25 returned to the home before you was so that probation

1 could take the guns out of the house; right?

2 A. That's not why I was led to understand, no. I
3 was led -- if you want the answer?

4 Q. Let me ask it a different way. One of the
5 conditions that Magistrate Judge Muirhead imposed on
6 that time was you would both be released, but that
7 firearms had to be removed from your home in Plainfield;
8 is that right?

9 A. It's a partial answer. That's not a yes or no
10 answer, sir. Perhaps I can explain.

11 THE COURT: Can you answer that question?

12 THE WITNESS: Not the way he's asked it, no.

13 THE COURT: All right. Ask another question.

14 Q. You were released on bail conditions; correct?

15 A. That's correct. Correct; we had a contract,
16 yes.

17 Q. Well, that wasn't the question I asked. My
18 question is you were released on bail conditions;
19 correct?

20 A. Again, I can't answer it the way you're asking
21 me, no. My conditions were a contract with Mr.
22 Muirhead.

23 Q. Let's get to that point then. In your mind
24 the Court didn't have the authority to order certain
25 things unless you agreed to it in a contract; is that

1 right?

2 A. That's correct.

3 Q. That's right?

4 A. That's correct. It's on record.

5 Q. So Magistrate Judge Muirhead didn't have the
6 lawful authority to order that firearms be taken from
7 your house without your permission; right?

8 A. That's correct, sir.

9 Q. Okay. One of the conditions that were put
10 into the bail conditions was -- and I read from the last
11 page of Government Exhibit 1a-2 -- surrender any
12 firearms to the U.S. District Court, 55 Pleasant Street,
13 Concord, New Hampshire, or its designated
14 representative, the United States Probation Office.

15 It goes on and says more, but did you
16 understand that part of that document required that
17 firearms had to be taken out of the home in Plainfield?

18 A. Only if no one else -- no other government
19 agency or agent was in the building prior to the
20 removal. That was our agreement; that's correct.

21 Q. That was part of your -- I put in quotes --
22 contract?

23 A. Right.

24 Q. That doesn't appear anywhere in the bail
25 conditions signed and issued by Magistrate Muirhead?

1 A. It was a verbal agreement, sir.

2 Q. Oh, it was a verbal agreement.

3 A. Yes. It's on the record.

4 Q. How many guns were in the house that day?

5 A. There should have been 30 assorted guns and
6 miscellaneous knives and swords and stuff.

7 THE COURT: Keep your voice up, Mr. Brown.

8 THE WITNESS: I'm sorry, sir.

9 Q. Knives, swords, and about 30 guns; is that
10 right?

11 A. That's correct, sir.

12 Q. On your direct did you refer to that as a
13 moderate collection of firearms?

14 A. That's correct, sir.

15 Q. So in your mind 30 guns, knives, and swords is
16 not large. It's middle of the road, moderate?

17 A. No, sir. That's not even close to what some
18 of the collections are. Some collections run to
19 hundreds of pieces.

20 Q. Okay. I'm going to show you a couple of
21 photographs and ask whether or not you can identify
22 them. First one is marked as Government's Exhibit
23 27a-36. Do you recognize what's depicted in that
24 picture?

25 A. That is a 50-caliber FGS; that's correct, sir.

1 Q. That's a 50-caliber rifle?

2 A. Yes, sir.

3 MR. IACOPINO: Which exhibit? I'm sorry.

4 MR. HUFTALEN: 27a-36.

5 MR. IACOPINO: Thank you. I'm sorry.

6 Q. That's a 50-caliber rifle that was in your
7 house?

8 A. That's correct.

9 Q. And that was taken out prior to your being
10 released on bail conditions?

11 A. I've had that for several years, sir.

12 Q. My question is that was taken out prior to
13 your being released on bail conditions; correct?

14 A. That's correct.

15 MR. HUFTALEN: I offer 27a-36.

16 THE COURT: Without objection it's admitted.

17 (Government's Exhibit 27a-36 admitted.)

18 Q. Mr. Brown, on the day you were arrested on the
19 tax charges, you were armed with a handgun in your
20 waistband; were you not?

21 A. Of course. I think. The day I was arrested?
22 That particular day --

23 Q. Let me ask another question.

24 A. I told you I was vague on that because I've --
25 I've given you the benefit of the doubt, sir, and said

1 yeah, okay, I will accept that.

2 Q. I appreciate that, but I don't want you to
3 give me the benefit of any doubt, sir.

4 A. I'm not quite sure.

5 Q. I want to ask you a question and let's get a
6 direct answer, yes or no. As you sit here today can you
7 tell us whether or not you had a gun in your waistband
8 as you heard the deputies testify when you were taken
9 into custody outside the dental clinic?

10 A. I can't. I will give you the benefit of the
11 doubt. I cannot be absolutely sure if I remember that,
12 because I thought I took the magazine out of the gun and
13 placed it in my glove compartment while I was in the car
14 still before I left the car.

15 Q. Let's talk about what was in the car. There
16 was a rifle in the car as well; right?

17 A. That's correct.

18 Q. And on the side of the car was a big gold
19 decal in the shape of a star. That's the U.S.
20 Constitution Ranger emblem; correct?

21 A. That's correct, sir.

22 Q. And when you traveled around town, was it your
23 custom and practice to take your rifle with you and to
24 carry a handgun in the belt of your pants?

25 A. Oh, for -- I've done that since the seventies.

1 That's nothing new. Many people in New Hampshire do
2 that as well as throughout the country.

3 Q. That's fine, but I'm asking about you because
4 that's what we are dealing with today. I will try to be
5 specific on my questions. You said on your direct that
6 you've been going out in the woods with guns since you
7 were age six; right?

8 A. Well, no, I wasn't six. Probably I was about
9 ten when I first started firing with shotguns. I grew
10 up on a farm.

11 Q. Okay. Before that arrest I believe your
12 testimony was that you had a permit to carry a concealed
13 weapon. Is that correct?

14 A. Yeah, for years, for decades. It's not new.
15 I also had a federal firearms license.

16 Q. Did your wife know at that time that you
17 carried a firearm regularly?

18 A. Of course.

19 Q. Had she seen you with it?

20 A. Of course.

21 Q. The 30 some guns that were in the house, can
22 you tell us whether or not she was aware that those guns
23 were in the house at the time of the original arrest?

24 A. Sounds abstract, sir, but of course. How
25 would she not? She knows everything in the house like

1 anybody would. Why would you ask that question?

2 Q. She knows everything in the house; right?

3 A. No, I don't think she knows everything.

4 Q. She knows everything that's out in plain

5 sight, sir; am I right?

6 A. In plain sight, probably.

7 Q. What did you mean when you said she knows
8 everything in the house before you changed that answer?

9 A. I didn't change an answer, sir. Why are you
10 saying that?

11 Q. Did she know everything that was in the house?

12 Yes or no, please.

13 A. I doubt it.

14 MR. IACOPINO: Objection, your Honor. He has
15 no way of knowing what somebody else knows.

16 MR. HUFTALEN: I'll ask another question.

17 THE COURT: Asked and answered. Go ahead.

18 Q. The weapons that were taken out of the house
19 included the following. Correct me if I'm wrong. An
20 Ithaca 12-gauge shotgun. Is that right?

21 A. My hunting gun, yes.

22 Q. A Colt 1911 .45-caliber semiautomatic pistol;
23 is that right?

24 A. Personal protection.

25 Q. An S&W -- I assume that's a Smith & Wesson --

1 .357 revolver. Was that taken?

2 A. Target, yeah.

3 Q. A Colt 30-caliber semiautomatic pistol. Was
4 that taken?

5 A. Correct.

6 Q. A Colt Commander, 1991 A1A semiautomatic .45
7 pistol?

8 A. Um-hum.

9 THE COURT: Is that a yes or no?

10 A. Yes. Sorry.

11 Q. Now, that gun, that's the same as Government
12 Exhibit 5n, this gun; right?

13 A. All 1911s are the same, sir, yes.

14 Q. This says 1991 on it, and what I just said was
15 1991 -- 1991 is just a later version -- please let me
16 finish, sir. The 1991 is merely a later version of the
17 original 1911 design; is that right?

18 A. Um-hum.

19 Q. Yes?

20 A. Yes.

21 THE COURT: You have to say -- "um-hum"
22 doesn't translate into the record. You have to use a
23 word.

24 A. Yes, sir.

25 Q. This Colt 1991A that was taken on the first

1 arrest on the tax charges was similar in every way to
2 the gun I'm holding in my hand, Government Exhibit 5n.

3 A. Yes.

4 Q. Then there was a J. Stevens single-shot pistol
5 that was taken. Correct?

6 A. Why am I not familiar with that. Single-shot
7 pistol. Some of the pieces that I didn't use much I may
8 not have even known. I might have picked them up at a
9 yard sale. That might have been one of them. Stevens
10 was not like a brand name so to speak.

11 Q. That's fine. How about this name, XL8
12 22-caliber revolver. Was that one of the guns taken?

13 A. That sounds like maybe the Derringer you are
14 talking about?

15 Q. No, I'm talking about a gun that's identified
16 as XL8 22-caliber revolver.

17 A. I don't know that piece, sir.

18 Q. It also says on this --

19 THE COURT: Keep your voice up, Mr. Huftalen.

20 MR. HUFTALEN: I'm sorry, I'm not near the
21 microphone.

22 THE COURT: Why don't you use the podium
23 unless you need to use the exhibit.

24 MR. HUFTALEN: I'm sorry for the delay, your
25 Honor. Your Honor, I offer Government Exhibit 5p, as in

1 Peter, which I understand there is no objection.

2 THE COURT: Any objection? I hear none. It's
3 admitted without objection.

4 (Government's Exhibit 5p admitted.)

5 MR. HUFTALEN: Dena, could you pull up 5p,
6 please.

7 THE COURT: There's a monitor right next to
8 you, Mr. Brown. You will be able to see the exhibit.

9 THE WITNESS: Yes, sir.

10 Q. Mr. Brown, what's on the screen to your left
11 is the list that I was just looking at. If we put it up
12 on the screen, perhaps we can get through this a little
13 more efficiently. I had asked you about the first
14 seven, and I'd like to direct your attention to the
15 eighth entry, 50-caliber bolt action long-range rifle.
16 That's the 50-caliber that we just saw in the photo;
17 right?

18 A. I imagine it is, yes.

19 Q. How many fifties did you have?

20 A. Only one.

21 Q. Only one back then?

22 A. Yes.

23 Q. Underneath that there's a gun called a Wyatt
24 Earp. Is that a gun?

25 A. It's not a gun. It's just a demonstration, a

1 replica.

2 Q. And then there's an Ithaca shotgun. Was that
3 taken?

4 A. M51 12-guage is a hunting gun. Yes, sir.

5 Q. Then below that there is a line crossed off
6 that says duplicate. So let's skip down one. It says
7 Remington M33 22-caliber .22 Colt rifle. Was there a
8 .22 rifle taken?

9 A. A bolt, I believe there was.

10 Q. I'm sorry, sir?

11 A. Unless I used the piece a lot, a lot of times
12 collectors will pick up what we call trash cuts, trash
13 cuts to us. Ithaca was one of my main line, and things
14 like Remington and small bore didn't have much interest
15 to me. So I would not be that familiar with it even
16 though I owned it. I'd stick it in the closet.

17 Q. Not interested in the small bore as opposed to
18 being interested in the large bore?

19 A. A .22 was strictly for target shooting, but
20 during training, sir, of any kind -- of any caliber gun,
21 you normally fire the gun that you train -- you know,
22 the gun you use or you have for target shooting.

23 Q. Okay. Below that it says Walther PP .32.
24 That's a semiautomatic handgun; is that correct?

25 A. That's right.

1 Q. Below that it says Browning high power 9mm
2 semiautomatic. That's another handgun taken; is that
3 right?

4 A. That's right.

5 Q. Below that, can you read what that says?
6 Looks like Glock pistol. Is that what it says?

7 A. Yes, I believe that's what they were trying to
8 write.

9 Q. Was there a Glock pistol taken that day?

10 MR. IACOPINO: Your Honor, I think it says
11 Caplock.

12 A. Yeah. There was no Glock in my possession.

13 Q. Okay. Was there a Caplock pistol taken?

14 A. There very well might have been, yes. It
15 might have been that small gun.

16 Q. Winchester --

17 A. Wait a minute. That's a piece I'm not really
18 familiar with, sir.

19 Q. That's fine. We'll move on to the next one,
20 Mr. Brown. The next entry says Winchester M1 carbine.
21 That's a rifle; right?

22 A. That is correct, sir.

23 Q. That was taken?

24 A. Yes, sir, that was taken.

25 MR. HUFTALEN: Dena, could you go to the

1 second page, please. The first entry on the second page
2 says Plainfield 30 M1 carbine. That's a rifle also;
3 right?

4 A. That is correct, sir.

5 Q. That was taken?

6 A. Yes, sir.

7 Q. Winchester lever action rifle 3030, that was
8 taken also?

9 A. It certainly was.

10 Q. Below that another Winchester lever action
11 3030 rifle. There were two of those taken?

12 A. I believe there were two. There were two
13 lever action rifles.

14 Q. There's two different serial numbers. Does
15 that mean to you they are two different guns?

16 A. I don't know. I didn't realize there were two
17 Winchesters.

18 Q. Below that it says Stevens crack shot single
19 shot .22. Is that a rifle or a handgun that was taken?

20 A. Old antique, original, a hundred years old.

21 Q. Pistol or rifle?

22 A. It's a small rifle, one of the original when I
23 was a child, ten years old, to have one in this country.

24 Q. Below that, Ithaca 12-gauge, that's a shotgun
25 that was taken; right?

1 A. That's correct; hunting, yes.

2 Q. Below that, a Benelli 12-gauge shotgun?

3 A. That's correct.

4 Q. That was taken also?

5 A. Right.

6 Q. Below that a Remington 10-gauge semiautomatic
7 shotgun.

8 A. Yes, sir.

9 Q. 10-gauge is bigger than 12-gauge; right?

10 A. Big boy. I use it for duck or geese.

11 Q. Big boy did you say?

12 A. Big boy for duck or geese shooting. Mostly
13 for goose shooting.

14 Q. And then below that it says National Ordnance
15 .30 semiautomatic. Is that a handgun or a rifle? If
16 you don't remember that's fine, Mr. Brown.

17 A. No, that's okay. I do. .30 with a bayonet,
18 yes, sir. I do remember having one with a bayonet .30.

19 Q. With a bayonet?

20 A. Correct.

21 Q. The one below it, Interarms JW15 bolt action
22 .22. That says with a scope. Is that a rifle with a
23 scope taken?

24 A. Yes.

25 Q. Below that, Ithaca double barrel shotgun,

1 12-gauge, another shotgun taken?

2 A. Yes, sir.

3 Q. Below that, Remington Sportsman, excuse me.

4 58 semiauto 12-gauge. Is that another shotgun taken?

5 A. Yes, sir.

6 Q. What's the next one say? Federal -- I can't
7 read it.

8 A. It's a gas gun. Law enforcement uses them for
9 assault into a dwelling or building. Usually shoot them
10 in first, and we picked that up some years ago I believe
11 it was.

12 Q. So you had this gun that shoots gas canisters?

13 A. Gas canisters; that's correct, sir.

14 Q. Remington model -- does that say 788 bolt
15 rifle below? Is that another rifle taken?

16 A. 788 bolt rifle. I'm not sure --

17 Q. That's okay.

18 A. -- for some reason.

19 Q. A lot of guns to remember. If you don't
20 remember, that's fine. Below that, do you remember that
21 one, a Remington Model 522 Viper 22-caliber semi rifle.

22 A. Yes. A little Viper, yes.

23 Q. That was taken also?

24 A. Yes, sir, it was.

25 Q. Below that another Mossberg 12-gauge

1 pump-action shotgun, that was taken?

2 A. Yes.

3 Q. The one below it has some crossed out there.
4 It looks like it says CAI, or is that somebody's
5 initials? Model JWB bolt action rifle. Do you remember
6 that gun?

7 A. Not really. I'm sure it's one of the pieces.
8 If I looked at it, I could identify it.

9 Q. Whatever it was, that appears to have been
10 taken that day, too; right?

11 A. Yes.

12 Q. The last two, the first -- the second to the
13 last, TC Hawken 50-cal -- does that say perc, as in
14 percussion, black powder?

15 A. Yes.

16 Q. What kind of gun is that?

17 A. Old buffalo gun, 1800s, days of the old west.
18 It's a replica.

19 Q. Below that is a Norinco 5.56 semiautomatic
20 rifle. Is that what most people would refer to as an
21 assault type rifle?

22 A. That's the proverbial -- I should say
23 Norinco's AK-47 rifle, yeah.

24 Q. So all of those guns that we just went
25 through --

1 MR. HUFTALEN: You can take that down, Dena.

2 Thank you.

3 Q. Those were taken when you were arrested
4 originally on the tax charges; right?

5 A. That's the ones we had agreed with the
6 judge -- with Mr. Muirhead to release, yes, if we
7 followed a certain set of rules.

8 Q. Now, were those all your guns or were some of
9 those your wife's guns?

10 A. I believe she owned one or two of her own --
11 one of her own and the rest of them were mine.

12 Q. Did she own handguns or rifles?

13 A. There were no long guns. All the long guns
14 were part of my collection.

15 Q. So she owned one handgun?

16 A. I believe so.

17 Q. Did she also have a license to carry a
18 concealed weapon?

19 A. Yes.

20 Q. Do you know whether or not she did?

21 A. Yes. She has for many years.

22 Q. Mr. Brown, when you spoke of the conversations
23 you had with Deputy Chief DiMartino, you said that he
24 was cordial. And he was; right?

25 A. Yes, sir, he was.

1 Q. In fact, you posted on the Internet at least
2 one video of you in the kitchen talking on the phone to
3 Mr. DiMartino; right?

4 A. I remember that one, yes, sir.

5 Q. And was that early on in your time in
6 Plainfield? Was that in the January, February time
7 frame, do you recall?

8 A. I believe it was.

9 Q. And I think you said on direct that he asked
10 you to turn yourself in and do the right thing. Did he
11 do that most every time he spoke with you?

12 A. No. He did say that, yes, but not every time,
13 no. Most of the time we just talked.

14 Q. And when he said to you or suggested to you
15 that you turn yourself in and do the right thing, you
16 didn't take him up on that offer, did you?

17 A. Do you want me to explain?

18 THE COURT: No, he's asking you if you took
19 him up on the offer. Can you answer that question?

20 THE WITNESS: No. Not without an explanation
21 I couldn't, no.

22 THE COURT: Ask another question. He can't
23 answer it.

24 Q. From the time you left the trial that was
25 going on across the hall January 11th, 2007, until you

1 were arrested on your property on October 4th, 2007, did
2 you ever make an attempt physically to leave your
3 property and go talk with Mr. DiMartino?

4 A. No. He never wanted to do that.

5 Q. Did you ever make an attempt to leave your
6 property and turn yourself in?

7 A. Why would I do that?

8 THE COURT: He's asking you if you did it.

9 A. Of course not.

10 THE COURT: Next question.

11 Q. From the time you left the trial in
12 January 2007 until -- let's pick June 7th as a point in
13 time. Had the marshals barricaded your house so that
14 you couldn't get out?

15 A. We wondered why they didn't.

16 Q. But they didn't; correct?

17 A. Correct.

18 Q. And between January '07 and June '07 you had
19 quite a few people who came into your property and then
20 left again; right?

21 A. Again, we wondered why, but that's correct,
22 yes.

23 Q. People drove in. Not just individuals but
24 entire families came; right?

25 A. Including police officers, that's correct.

1 Q. They came in. They weren't stopped by the
2 Marshal Service in that time frame?

3 A. Nobody. They just came and went; correct.

4 Q. And had you wanted to, you could have hopped
5 into the car with any one of them and driven off the
6 grounds of the property; right?

7 A. If I had a death wish, yeah.

8 Q. And your wife likewise based on your
9 observations could have gotten into a car with any of
10 these visitors and driven off the grounds; right?

11 A. Same answer.

12 Q. Same answer is yes, she could have but?

13 A. If she had a death wish.

14 Q. Now, January 7th forward, you say it was
15 during that time frame that you became fearful; right?

16 A. I'm sorry, the date was what, sir?

17 Q. June 7th when Danny Riley was tasered.

18 A. Oh, no, oh, no, no, sir, no, sir. From
19 November 18th I guess it was in 2004 is when we started
20 to get nervous about our lives, whether a sniper was
21 going to hit over America.

22 Q. Okay. So June 7th wasn't the point in time.
23 It started back in November of '04?

24 A. That really escalated it, that's all. That
25 really escalated it for us.

1 THE COURT: Mr. Brown, I think if you move
2 back a little bit from the mike and just raise your
3 voice. You're a little muffled when you are that close.
4 Try that. Go ahead.

5 Q. So you were fearful starting at least as early
6 as November of 2004?

7 A. Yes, sir. That's when it really began.

8 Q. I didn't hear the last part.

9 A. That is when it began, yes, sir.

10 THE COURT: Keep your voice up. I think in
11 the back they are having trouble hearing, the jury.

12 THE WITNESS: Thanks to the BOP my voice is
13 like this from a cold.

14 THE COURT: The jury will disregard. Ask a
15 question.

16 Q. Now, in the summer of 2007, in mid, late June
17 and again the middle of July, you had a couple of -- I
18 will refer to them as parties on your property where you
19 invited people from all over the country; right?

20 A. Yes, sir. We had jamborees. They were fun,
21 yes.

22 Q. One was called a Jamboree in June and another
23 was known as a Concert in July; is that right?

24 A. Yes, that's correct.

25 Q. And you had people come, bring their children?

1 A. Yes, sir.

2 Q. You had little kids running around your
3 property?

4 A. Um-hum.

5 Q. Yes?

6 A. Yes.

7 MR. HUFTALEN: Sorry to keep doing that, but
8 you have to say yes or no for the stenographer.

9 A. Yes, sir.

10 Q. And again in July when you had the concert,
11 you had not only adults but adults who brought children
12 onto the property?

13 A. That's correct, sir.

14 Q. Did any of those people tell you when they
15 came into your property that they were stopped by the
16 Marshal Service and told they couldn't come in?

17 A. No.

18 Q. And as far as you know, did any of those
19 people get stopped on the way out and told they can't
20 leave?

21 A. That's correct. The marshals were out there
22 just observing license plates and stuff along with other
23 agents. That's all they were doing.

24 Q. Okay. That's all they were doing is making
25 observations; right?

1 A. That's correct.

2 Q. I jotted some notes down when you talked about
3 what you referred to as this Global Hawk unmanned
4 surveillance craft. Is it your testimony that you saw
5 something in the sky and you thought it was about
6 30,000 feet in the air and you could identify it as an
7 unmanned vehicle?

8 (Witness nods head affirmatively.)

9 Q. Yes?

10 A. Yes.

11 Q. Did you have a telescope that you were looking
12 at it with?

13 A. Didn't need one, sir.

14 Q. With the naked eye 30,000 feet, your estimate,
15 you could see it?

16 A. Yes, sir. You can see clear into space up
17 there where I live. You can see the stars with -- the
18 lights don't seem to block out the stars like they do
19 when you get down to a town more. Mr. Monier confirmed
20 it.

21 Q. Let me ask you another question. No doubt you
22 can see -- I mean you can see the moon on a clear night
23 from most places; right?

24 A. Sure, absolutely.

25 Q. But you wouldn't be able to tell me if a space

1 ship landed on the moon. I mean you'd just see this
2 thing up in the sky; right?

3 A. That's correct.

4 Q. But you could see this thing that you thought
5 was at 30,000 feet, and you could identify it not only
6 as an aircraft but as a Global Hawk unmanned
7 surveillance craft?

8 A. That is correct, sir. That was my guess. Mr.
9 Monier of the U.S. Marshal Service confirmed it for me
10 within 48 hours.

11 Q. Is it more likely that when you heard Marshal
12 Monier say it was an unmanned vehicle at 50,000 feet,
13 you sort of adopted his statement?

14 A. No, sir. We made the statement earlier prior
15 to that. That's because the local town chief of police
16 said that we were just being paranoid.

17 Q. That's fine. When you spoke about Waco, you
18 said you followed it from day one.

19 A. Yes, sir.

20 Q. That was something that was of significant
21 interest to you; right?

22 A. Massive.

23 Q. And so much so that you took it upon yourself
24 to call the Attorney General's Office in the United
25 States in D.C. and give him advice on how to handle that

1 situation; right?

2 A. That is correct, sir. They were out of
3 control.

4 Q. And you said -- I think you said, "They took
5 my advice, but they used lethal gas."

6 A. Well, I didn't quite mean it that way. They
7 don't take anyone's advice, sir, but we certainly if
8 nothing else planned to cede, but they just used the
9 wrong type of gas. They used CS gas rather than some
10 type of sleeping gas.

11 Q. But in your mind you are calling the Attorney
12 General of the United States and you think he's taking
13 your advice; right?

14 A. Oh, no, absolutely not. I talked to some
15 woman that was working there. She was just doing her
16 job like everybody else in government.

17 Q. You said -- and please tell me if I'm wrong.
18 I think I got the quote right. You were a happy couple
19 and paid all debts and all taxes free and clear. Did
20 you say that on direct?

21 A. I sure did.

22 Q. The fact of the matter, sir, is that you
23 didn't pay the United States federal income tax in year
24 1995, did you?

25 A. Excuse me?

1 Q. Did you pay federal income tax in the year
2 1995?

3 A. I reserved it.

4 Q. You reserved it. I thought you'd said you
5 paid all taxes?

6 A. Yes, to date they have all been paid.
7 Everything has been paid. It came to the total sum of
8 about, as I recall, 13 and a half million dollars to pay
9 to the IRS, which we only owed \$216,000 which turned
10 into 13 and a half million dollars.

11 Q. Did you write a personal check for 13 and a
12 half million dollars?

13 A. No, sir, accepted it for value.

14 Q. Accepted it for value. That means that you
15 drafted up a piece of paper and you said I, Edward Brown
16 of the Family Brown, hereby give you 13 and a half
17 million dollars. Now the slate's clean. Right?

18 A. Of course not, sir.

19 Q. What did you do?

20 A. I'm sure you are aware of it because that's
21 one of the reasons why we were investigating your
22 office, sir. It's got to do with this book right here,
23 sir.

24 Q. That's fine. Let me ask you another question.

25 A. Would you like to see this book, sir, and have

1 me explain it?

2 Q. I have no interest in seeing that book, sir.

3 THE COURT: Stop. Mr. Brown, stop, please.

4 Ask a question.

5 Q. Did you pay 13 and a half million dollars in
6 U.S. currency to the IRS? Yes or no, sir.

7 A. That's not how the Uniform Commercial Code
8 operates, sir, that this court operates under. I
9 operate the same way this court operates.

10 THE COURT: Jury will disregard.

11 Q. Did you pay 13 and a half million dollars
12 cash, U.S. currency, to the IRS?

13 A. You can't pay it that way.

14 Q. So the answer is no, you did not?

15 A. With an explanation. You can't answer it that
16 way, sir. There is not a yes or no answer to that
17 question.

18 Q. Did you write a check for 13 and a half
19 million dollars out of a bank account that either you or
20 your wife exercised control over?

21 A. No, sir, I got a promissory note. The IRS
22 received a promissory note. So did this court receive
23 the promissory note.

24 Q. Now, I asked you about 1995. The same
25 situation applied for 1996, 1997, 1998, 1999, 2000,

1 2001, 2002, 2003, 2004, 2005, 2006, 2007, and 2008;

2 right?

3 A. Took care of them all, sir.

4 Q. Took care of them all the way you said earlier
5 you took care of them?

6 A. After your office and the slam-dunking we took
7 from the government, and, yes, we took care of it all.
8 It's all been paid for. We have evidence of that.

9 Q. There's been some testimony through a couple
10 of deputy U.S. Marshals that I believe you heard about
11 what they described as a cube of U.S. currency in the
12 gun safe in your and your wife's bedroom. Did you hear
13 that testimony?

14 A. Yes, sir, I sure did.

15 Q. Did you have large amounts of cash -- and by
16 large amounts I mean \$100,000 or more -- in your house
17 between January '07 and October '07?

18 A. I had \$121,000 plus my gold, and the block
19 that he talked about was an absolute lie. That did not
20 exist.

21 Q. Did you, sir, hide over \$100,000 in cash
22 behind a wall in the elevator shaft in your bedroom?

23 A. That is correct.

24 MR. LANGE: Objection.

25 A. No, that's correct.

1 MR. LANGE: Side bar, please.

2 AT SIDE BAR

3 MR. LANGE: I object to this line of
4 questioning. I think it goes to trying to tar the
5 defendants with being tax evaders, and the Court's
6 already excluded our ability to respond as best I can
7 tell with regard to why they didn't pay their taxes. So
8 I think it's an unfair line of inquiry unless the Court
9 determines that the government has opened the door and
10 we can fairly rebut it.

11 THE COURT: Move on to another area.

12 MR. HUFTALEN: Will do.

13 IN OPEN COURT

14 Q. When you had visitors at your home between
15 January and October of '07, did you allow all visitors
16 access to all parts of your house?

17 A. No.

18 Q. Of course not; right?

19 A. Of course not.

20 Q. No need; right?

21 A. No.

22 Q. Did you allow them to have unlimited access to
23 the first floor of your home?

24 A. Pretty much, yes.

25 Q. But did you allow them free access to your

1 personal private spaces on the second floor? By that I
2 mean bedroom, den.

3 A. No.

4 Q. When people slept at the house, where did they
5 sleep?

6 A. Because the house was still under
7 construction, they put cots so to speak on the floors,
8 here and there, couches, and they had their tents and
9 they brought their campers and they brought their big
10 huge motor homes and they came all different kinds of
11 ways. They slept many different ways.

12 Q. Danny or Daniel, sometimes referred to as Dan
13 Riley, stayed at your house a number of times within
14 that time frame. Unless I specify differently, I'm
15 talking generally January '07 to October '07, okay?

16 A. Yes, sir.

17 Q. Dan Riley spent time at your house a number of
18 times in that time frame; right?

19 A. Yes, he did.

20 Q. Dan lived in upstate New York and came over to
21 you?

22 A. From time to time, um-hum.

23 Q. And did Dan bring with him supplies at times?

24 A. Came and went.

25 Q. Did he bring ammunition to you?

1 A. Ammunition from Danny for me? No. Not to me.
2 That I can remember. Not from Danny. I had plenty of
3 my own.

4 Q. Had plenty of your own. Had over 60,000
5 rounds in October; right?

6 A. No, sir. You may have found 60,000. That's
7 moderate by today's standards anyway, sir. 60,000
8 rounds is not many rounds by any standards in people
9 that collect guns, not at all.

10 Q. Okay.

11 A. Yes, sir. I think you are misinformed by ATL
12 or whoever they are.

13 THE COURT: Stop. Ask him another question.

14 Q. Dan Riley did bring firearms to your home
15 though, didn't he?

16 A. He had personal stuff, yes.

17 Q. I'm going to hold up a couple of guns over
18 here. If you can't see them, let me know, please. This
19 gun here, Government's Exhibit 5f, Danny Riley brought
20 this to your house; right?

21 A. Honestly, I just talked to my wife about that.
22 I'm trying to remember who brought that to me. It may
23 have been Danny. I have no idea. I honestly cannot
24 remember who brought it, but I do remember I fired that
25 at target practice, yes, and I've carried it a few

1 times.

2 Q. Let's follow up on that. I'm going to direct
3 your attention to this diagram in the corner. I'm going
4 to leave it right there. Pointing at the center of this
5 diagram, you recognize this as being of your house;
6 right?

7 A. Um-hum.

8 Q. And where my finger is here in the gray shaded
9 area in the center, middle, going off to the left side
10 of the house, that's the front entryway; correct?

11 A. Yes, it is.

12 Q. Traveling down on that two segments of the
13 house to the last portion of the house, there's a wall
14 that goes down, turns 45 degrees, turns 45 again, and
15 intersects with the lower house again.

16 A. Yes.

17 Q. That's just a cement or concrete knee wall
18 that's about three feet high; right?

19 A. Well, it's an atrium in there.

20 Q. It's unfinished; right?

21 A. That's correct, yes.

22 Q. It's made of concrete?

23 A. Yes, sir.

24 Q. That's where you used to fire rifles from on
25 occasion; right?

1 A. Sometimes, but the firing range was down
2 towards the seven o'clock position; correct.

3 Q. Down here where I'm pointing where it says
4 target?

5 A. Yes, sir.

6 Q. You and others would get in that area behind
7 that concrete wall and use that concrete wall as a
8 support for some of the rifles to fire down at the
9 target; correct?

10 A. That's correct, sir.

11 Q. Who fired rifles from that area other than
12 you?

13 A. Many people.

14 Q. Many people?

15 A. Yeah.

16 Q. Your wife included, Mrs. Brown; right?

17 A. I don't think she ever was back in there.

18 Q. You don't think she was back in there?

19 A. No. I don't remember her going back in there.
20 The few times that she's ever fired any of the guns at
21 all was her handgun, and that usually was on the septic
22 field area.

23 Q. Okay. So it's your testimony that she didn't
24 fire rifles, just handguns?

25 A. She may have fired one or two, but she used

1 mostly a handgun. I don't recall her firing a rifle
2 very often.

3 Q. You fired Cirino Gonzalez' 50-caliber from
4 this area that I've identified, what you call the
5 atrium; right?

6 A. At some time I probably fired most of the
7 different pieces that came in that have been fired, for
8 sure.

9 Q. I said Cirino Gonzalez. Let me leave this and
10 walk back over here. Cirino Gonzalez is another person
11 who visited you; right?

12 A. Yes.

13 Q. He came up from Alice, Texas, and did he stay
14 at your house for a while?

15 A. Yes.

16 Q. Did he have military training?

17 A. I believe he did, yes.

18 Q. Did he offer his services in terms of security
19 with respect to your property?

20 A. Services? He offered to hang around awhile,
21 yes, he did.

22 Q. He brought a 50-caliber rifle up to New
23 Hampshire and brought it to your house, the one that you
24 fired; right?

25 A. He had a 50.

1 Q. He had a 50 doesn't answer my question. He
2 bought a 50-caliber in New Hampshire and he brought that
3 50-caliber to your house; is that right?

4 A. He had a 50.

5 Q. Did he bring a 50 to your house?

6 A. Yes, he did, yes. That's how I know he had
7 it, yes, sir.

8 Q. Jason Gerhard bought a 50 also; right?

9 A. Yes.

10 Q. His is that huge silver stainless steel gun
11 over on the table; right?

12 A. They are all the same size. The appearance is
13 that it's larger because of the stainless steel, the
14 brightness of the color, but they are all the same.

15 Q. Did Jason Gerhard buy a 50-caliber rifle?

16 A. I'm sorry?

17 Q. Did Jason Gerhard buy a 50-caliber rifle?

18 A. I would assume so. He brought one up.

19 Q. I didn't mean to imply that he sold it. What
20 I meant was he brought this thing to your house; right?

21 A. Yes.

22 Q. When I say this thing, I'm referring to
23 Government's Exhibit 5e. Right?

24 A. It's a lawfully purchased firearm, yes.

25 Q. Lawfully purchased firearm. Did he take it

1 home with him to Brookhaven, New York, when he left?

2 A. I don't think so.

3 Q. It was in your house on October 4th and he
4 wasn't there, was he?

5 A. I'm sorry?

6 Q. It was in your house on October 4th, '07;
7 correct?

8 A. Probably. If he did he would have left it up
9 on the third floor, yeah.

10 Q. Left it up on the third floor?

11 A. Probably.

12 Q. He joined the Army; right?

13 A. That's right. I forgot all about that.

14 Q. He left your house, joined the Army, and left
15 this gun there; right?

16 A. That's right.

17 Q. And he left this gun there too, 5a-2; right?

18 A. Yeah. I remember that piece was there, yes.

19 Q. He left several other guns there, too, as
20 well; correct?

21 A. That's why I didn't recognize some of the
22 pieces that were there because I don't touch other
23 people's firearms. I said whatever was there was of no
24 concern of mine.

25 Q. My question was he left several other guns at

1 your house when he went and joined the Army; right?

2 A. Probably. That's what he did, went in the
3 Army. I forgot about that.

4 Q. You said you don't touch other people's
5 weapons. The 50-caliber that you touched on June 7th up
6 in the tower, whose weapon was that? Yours?

7 A. I was left no choice, sir. In time of
8 impossibility you will do what you have to do. Excuse
9 me.

10 THE COURT: Just a second. Hold it, Mr.
11 Brown. Jury will disregard that answer. Reask the
12 question.

13 Q. You held a 50-caliber rifle in your hands on
14 June 7, 2007; is that correct?

15 A. That is correct.

16 Q. Was that the 50-caliber rifle that had been
17 purchased by Danny Riley which is Government Exhibit 5d
18 that I'm holding up here?

19 A. I bet that was the one right there.

20 Q. And you held this in your hands in what you
21 refer to as a deck, but other people have called the
22 tower in your home; correct?

23 A. Excuse me?

24 Q. On June 7th -- I will ask it again. I'm
25 sorry. On June 7th you held this gun in your hands, 5d;

1 right?

2 A. Could have been.

3 Q. Let me represent to you that 5d and 5e were
4 the only two 50-calibers taken from your house in
5 October. Will you agree with me on that?

6 A. I'll tell you I don't know. I thought there
7 were three.

8 Q. There was a third 50-caliber that had been at
9 your house, but it left at some point; right?

10 A. I don't know. I thought there were -- all
11 three of them were still there.

12 Q. Okay. Let me show you the third one and ask
13 you about that. Sir, let me show you what's marked for
14 identification as Government Exhibit 17a. This is a
15 50-caliber Serbu; correct?

16 A. I assume it is what it is, yes.

17 Q. Let me hold it a little bit closer to you and
18 get a closer look.

19 A. I can see the piece, sir, from where you are.
20 It's just that the name Serbu -- I could hear him
21 talking about it.

22 Q. Is this the gun Cirino Gonzalez had at your
23 house?

24 A. I don't know.

25 Q. Is this similar to the gun of Cirino Gonzalez?

1 A. Similar.

2 Q. When did Cirino Gonzalez leave your house to
3 go back to Texas?

4 A. Again, they came. I don't know. They came
5 and they went all the time. There was one time there
6 when I guess other family members were up there and they
7 came and they left. I don't know dates or anything. My
8 mind was on thousands of different things at the same
9 time. You're asking me for particular -- I don't
10 remember.

11 Q. Let me ask you another question, sir. Can you
12 tell us today as you sit here whether or not it was this
13 weapon, 17a ID, Cirino's 50, this weapon, 5d, Danny
14 Riley's 50, or this other weapon, Jason Gerhard's 50,
15 which is -- it's got a number on it here -- that you had
16 with you in the tower? Jason's is 5d. Can you tell us
17 which of these three fifties you had up in the tower --
18 or deck, excuse me.

19 A. How can I tell you that?

20 Q. I'm asking you can you tell us which of these
21 three you held in that tower?

22 A. No. I honestly can't tell you which of the
23 three were in the tower.

24 Q. Were there any other fifties in the house in
25 this time frame besides these three?

1 A. No, no.

2 MR. HUFTALEN: Your Honor, I offer
3 Government's 17a.

4 THE COURT: Any objection?

5 MR. IACOPINO: Yes, your Honor.

6 THE COURT: Basis?

7 MR. IACOPINO: Relevance.

8 THE COURT: Overruled.

9 MR. LANGE: Objection, foundation.

10 THE COURT: Overruled.

11 (Government's Exhibit 17a admitted.)

12 Q. Mr. Brown, at the time that you held a
13 50-caliber rifle up in your deck, had you seen any
14 armored personnel carriers coming up to your property?

15 A. I was just notified, sir, about five minutes
16 prior to the time I reached the tower that there were
17 two APCs with three state police cruisers in front and
18 three state police cruisers behind. Each of the
19 vehicles had just proceeded in my direction. Plus I had
20 just seen a helicopter not more than two or three
21 minutes before. I was panicked. I headed for up on top
22 so I could get a better view of what was going on,
23 because I could see all the way up into parts of the
24 power lines as well and off into the distance. So it
25 was kind of like a moment a little bit of trying to

1 decide what's going on, see what's going on. So I think
2 you lose some rationality during that period of time.

3 THE COURT: Jury will disregard that answer.
4 Reask the question.

5 Q. At the time you held the 50-caliber on
6 June 7th in the tower, had you seen any APCs entering
7 your property?

8 A. No. I knew they were there though. They were
9 there, no question in my mind.

10 Q. Had Danny Riley come back to you and said
11 anything about the incident involving him at the time --

12 A. No, he did not.

13 Q. -- at the time you held the 50? I didn't hear
14 your answer.

15 A. No. He did not have to.

16 Q. He did not have to?

17 A. No. I was already notified that they were
18 there.

19 Q. The Colt 1991 that's Government's Exhibit 5n,
20 you bought this gun in April of 2007; correct?

21 A. That's not correct.

22 Q. It's not correct?

23 A. That's not correct.

24 Q. You saw that there was a bill of sale that was
25 entered into evidence that has the serial number for

1 this gun on it saying it was sold to you in April of
2 '07. Did you not see this?

3 A. Of course. I wrote that bill of sale. I'm
4 very well aware of that bill of sale, yes. I wrote half
5 of it and then the other half was written by the lady
6 whose husband had died that gave me that gun; that's
7 correct.

8 Q. Her husband died; right?

9 A. That's correct. One of my best friends, yes.

10 Q. In fact, he was at your house when he became
11 ill; correct?

12 A. Correct. I think the government finished him
13 off, too.

14 Q. I'm sorry, I did not hear you.

15 A. I think the government killed him as well,
16 too.

17 THE COURT: Move on. Ask another question.

18 Q. If you didn't buy it in April as the bill of
19 sale says, when did you buy it?

20 A. Sir, it was given to me by my friend while he
21 was at my house back in February, and when he was
22 leaving he said he wanted me to have this. At the
23 moment -- it was actually in January, end of January.
24 At that moment I had had no firearms, no guns on me or
25 in the house, and he wanted me to keep it. He insisted

1 I took it. So from him I took it. He's also a
2 commander of the Rangers in Vermont.

3 Q. Let me ask another question. At the time you
4 bought that gun, whether it was January or whether it
5 was April, you knew that a jury sitting across the hall
6 had convicted you of a crime; correct?

7 A. No, they did not convict me of anything, sir.
8 They never had a trial.

9 Q. Hang on.

10 A. I was not there.

11 Q. Were you aware that the jury, after hearing
12 evidence, deliberated and returned a verdict of guilty?

13 A. No, sir.

14 Q. You're not aware of that?

15 A. No. I could care less. I have no
16 consideration for these people anymore or even then.

17 Q. Let's go on to something else. You said in
18 your direct testimony that you didn't touch weapons that
19 were other people's. They were their personal property
20 on their person; right?

21 A. I'm sorry, sir?

22 Q. On your direct testimony did you say weapons
23 of other people were theirs. I didn't touch them.

24 A. That's correct, sir. I don't touch other
25 people's property.

1 Q. But you did touch somebody's gun on June 7th;
2 right?

3 A. Sir, I would have grabbed a spear, a flame
4 thrower, a guided missile, a nuclear bomb that morning.
5 I don't think you have been in a situation like that and
6 known that kind of fear, obviously.

7 Q. Sir, in the bedroom of your house -- that's
8 the bedroom that you and your wife slept in; right?

9 A. Correct.

10 Q. And as you walk into the bedroom the bed's on
11 the left; correct?

12 A. That is correct.

13 Q. Which side of the bed did you sleep on? The
14 far side or the near side?

15 A. Facing the bed I would have slept on the right
16 side.

17 Q. Okay. Would have been the far side?

18 A. Walking into the door, yes.

19 Q. So your side of the bed was closer to the
20 50-caliber, the .308, and the other rifle that were over
21 in the corner; right?

22 A. To everything, yes, sir; to everything, yes,
23 sir.

24 Q. And your wife's side of the bed was closer to
25 the pipe bombs that were in the closet; right?

1 A. Excuse me?

2 Q. Your wife's side of the bed was closer to the
3 pipe bombs that were in the closet; correct?

4 A. Are you intending to infer something, sir,
5 about my wife?

6 Q. I'm asking you whether or not --

7 A. I don't like your inference.

8 THE COURT: Mr. Brown, can you answer that
9 questions?

10 THE WITNESS: No, I'm not going to answer
11 that.

12 A. Sure, yes, she was. What of it?

13 THE COURT: Next question.

14 Q. No door on that closet; correct?

15 A. Yes.

16 Q. You could see the pipe bombs when you walked
17 in the room; correct?

18 A. Opening the door, yes.

19 Q. If you look to the right, you saw the pipe
20 bombs on a rack in the closet; is that right?

21 A. Yes.

22 Q. Let's go back to the guns in the corner by the
23 windows in the back door. French doors that opened up
24 in the back of your house; right?

25 A. Correct.

1 Q. And from those French doors you had an
2 unobstructed view of the back of your property; is that
3 right?

4 A. Part of it.

5 Q. And next to those French doors were Danny
6 Riley's 50-caliber rifle, the 5d; right?

7 A. I think so.

8 Q. And there was a .308 with a scope that was
9 there as well; right?

10 A. I'm familiar with that.

11 Q. And there was another rifle standing up. Was
12 that a .223 or a .22?

13 A. I forget. I believe that was a .22.

14 Q. Who put those guns there? You or somebody
15 else?

16 A. I did.

17 Q. How about the gun that was in the master
18 bathroom, 5k, we talked about early on? Who positioned
19 that in the bathroom? You or someone else?

20 A. I don't know.

21 Q. You don't know?

22 A. No, I have no idea.

23 Q. What about the 50-caliber that was up by the
24 front window on the third floor overlooking the front of
25 the house, the big silver one?

1 A. Again, I don't know. I don't know who put it
2 up there. I think that's the one that belonged to Mr.
3 Gerhard, Jason, but I don't know who put it up there.

4 Q. So you don't know who put the 50-caliber
5 ammunition with it either; right?

6 A. No, I don't.

7 Q. How about in your bedroom? Did you line the
8 50-caliber rounds up against the wall next to the gun?

9 A. Yes.

10 Q. And there were these Goex cans that were found
11 in a number of places in the house. You saw the video
12 on that and you knew that they were there; right?

13 A. That's correct.

14 Q. Did you position those in each of the places
15 where they were found?

16 A. Absolutely.

17 Q. Did you position one in the jelly cupboard in
18 your wife's kitchen?

19 A. Absolutely.

20 Q. And did you position one --

21 A. Sir, to save everyone's time, absolutely.

22 Q. And you're the one that put the nails around
23 them and wrapped the nails on with tape?

24 A. So I could counter any hand grenades that you
25 might have thrown at us. And I say you, sir, because

1 the orders came from your office I found out later.

2 THE COURT: Stop. Jury will disregard the
3 last portion. Ask another question.

4 Q. Did you put the fuses through the top of those
5 Goex cans?

6 A. I did.

7 Q. And did you position all of the Goex cans that
8 were in what has been referred to --

9 A. I already said to you, sir, I did that.

10 Q. What has been referred to as the library. You
11 put those in the library?

12 A. I already said to you, sir, I did that.

13 Q. And this 50-caliber ammo in the library?

14 A. That's correct, sir.

15 Q. How about the .223 that was on the floor
16 overlooking the entryway, --

17 A. Enough.

18 Q. -- did you position --

19 A. Everything you found there I did, yes, sir.

20 THE COURT: Just answer his questions.

21 A. What's your point?

22 THE COURT: Answer his question, Mr. Brown.

23 THE WITNESS: If he keeps asking me dumb
24 questions, I'm not going to answer him.

25 THE COURT: Mr. Brown, you are required to

1 answer the questions.

2 THE WITNESS: I'm sorry, sir, this is a bogus
3 court to begin with in limiting me here, especially as
4 an agent and a courtesy to this Court, and you do know
5 that, sir, because of this law right here.

6 Q. Mr. Brown, with respect to the pipe bombs, you
7 said on direct one of them had a fuse in it, but the
8 others did not; correct?

9 A. That is correct.

10 Q. All of those pipe bombs had a hole drilled in
11 them so that a fuse could be put in; right?

12 A. That is correct.

13 Q. And there's tape across every hole so that the
14 gunpowder wouldn't leak out; is that right?

15 A. Yeah, I guess. Yeah, I think that's why I did
16 that, yes.

17 Q. And did you also cut pieces of fuse that were
18 laid on the top of them in the bedroom?

19 A. Yes, I did.

20 Q. There was a piece of deck cord that was found
21 on the kitchen table in your house.

22 A. I heard that earlier and I don't even know
23 what that is, sir.

24 Q. Okay. So you don't know what that was?

25 A. I have no idea what that is.

1 Q. That's okay. The Tannerite that was
2 positioned in the trees, --

3 A. Correct.

4 Q. -- you put that up there so that it could be
5 shot at if you saw people coming through the wood line;
6 is that right?

7 A. Like a flash bang. It's a distraction; that's
8 correct, sir. That's why I put it up so high in the
9 tree; that's correct.

10 Q. You test fired Tannerite a number of times to
11 determine what size round was required to cause it to
12 explode; is that right?

13 A. I had already determined that for myself. A
14 .253 was the minimum round that I could fire to detonate
15 it, yes.

16 Q. On direct examination Mr. Iacopino asked you
17 whether or not you fired at anyone on June 7th, and I
18 believe your answer was no, you did not; right?

19 A. Absolutely did not. Never fired a gun at all.

20 Q. But then you said -- and tell me if I'm wrong.
21 I wrote down what you said. If I had seen one, I'd do
22 what I had to do.

23 A. If I had seen one what?

24 Q. That's what I was going to ask you.

25 A. I'm asking you. You seem to know all the

1 answers here.

2 Q. I believe your testimony was: If I had seen
3 one, I'd do what I had to do, and then words to the
4 effect of: Nobody likes to talk or use those words,
5 but. You were saying that had you seen a person walking
6 through the wood line, you would have fired; correct?

7 A. I don't think so, sir. You're inferring again
8 or trying to place a thought here in the jury's mind.
9 Sir, you are so wrong and this is so wrong.

10 THE COURT: Finish your question.

11 Q. You didn't say that?

12 A. You're saying that I said that?

13 Q. Mr. Brown --

14 THE COURT: Just a second, Mr. Brown. Let him
15 finish his question and then I will give you time to
16 answer. Go ahead.

17 Q. When the undercover team came into your house
18 or onto your property on October 4th, that late
19 afternoon and evening, you testified that you did not
20 hold a rifle on them; correct?

21 A. Absolutely.

22 Q. But you did have this rifle that I'm holding
23 up here, Government Exhibit 5f, in your hands when they
24 were present; correct?

25 A. On the 7th?

1 Q. No, October 4th, the day of your arrest.

2 A. October 4th; that is correct. I believe that
3 was that one, yes, sir.

4 Q. And you held this when they were unloading
5 materials into the garage?

6 A. That is correct. I didn't know who these men
7 were. They were unidentified. They just said that they
8 were bounty hunters or something or whatever.

9 Q. But you held the gun?

10 A. I held the gun.

11 Q. The only difference between the undercover's
12 testimony, Mr. Robertson, and yours is he said you held
13 it on them, and you say you held it but not on them;
14 right?

15 A. I never lie, sir.

16 Q. My question is the only difference with
17 respect to you and this gun, in his testimony and yours,
18 is he says you held it on them, waved it back and forth,
19 and you say, no, I held it, but I didn't point it at
20 anyone. Is that correct?

21 A. That's correct; I do not point guns at people
22 unless I intend to do something with it.

23 Q. You had a 1911 or 1991, the Colt 45, in your
24 pocket the whole time; right?

25 A. That's correct.

1 Q. And your wife had a Glock in her hand?

2 A. I have no idea what she had.

3 Q. You didn't see her come out on the porch as he
4 testified?

5 A. Sir, do you want an answer?

6 Q. No, I'd like you to let me finish the
7 question.

8 THE COURT: The question is did you see her
9 come out onto the porch.

10 A. I didn't notice.

11 Q. You didn't notice?

12 A. No. My eyes were fixed on five men. I didn't
13 know who they were and --

14 THE COURT: Stop, Mr. Brown. There's no
15 question pending.

16 MR. HUFTALEN: Can I have one moment.

17 (Pause.)

18 THE WITNESS: Judge, am I allowed --

19 THE COURT: Just a second, Mr. Brown. There's
20 no question -- quiet, please.

21 THE WITNESS: I just want to --

22 THE COURT: I said just stop. Stop.

23 Q. BY MR. HUFTALEN: Mr. Brown, you heard Marshal
24 Monier testify early in the case that he sent two
25 letters to you, Government Exhibit 1f and 1f-1. Did you

1 see the letters that he sent?

2 A. Honestly, sir, I don't remember. My wife may
3 have remembered them. I don't remember letters from Mr.
4 Monier. All I ever heard from him was statements on the
5 television news a couple of times, and that was it. We
6 never had any communication.

7 Q. Mr. Brown, during the course of the time that
8 you were up at your property between January 2007 and
9 October 2007, would it be fair to say in your words you
10 warned certain people that they might be hurt?

11 A. Warned them they'd be hurt?

12 Q. You warned them that they might be hurt if
13 attempts were made to arrest you.

14 A. Sir, we have been warning everybody, including
15 the general public, for 20 years, or 15 years anyway,
16 about the dangers of the United States Government.

17 Q. Let me ask you specifically then. You are
18 quoted in a newspaper article on January 16th as saying:
19 You attack my property, it's going to get really
20 violent. I don't care who it is. Did you say that?

21 A. Say that again, sir.

22 Q. You attack my property, it's going to get
23 really violent. I don't care who it is. January 16th,
24 Concord Monitor. Did you say that?

25 A. Article 10 of the New Hampshire Constitution

1 absolutely guarantees me and obligates me to do so, yes,
2 sir.

3 THE COURT: Jury will disregard everything
4 before yes, sir.

5 THE WITNESS: Of course. Disregard the truth,
6 folks.

7 THE COURT: Jury will disregard that. Jury's
8 excused.

9 (Jury left courtroom.)

10 BEFORE THE COURT

11 THE COURT: Mr. Brown, I've tried to be very
12 patient with you.

13 THE WITNESS: No, you haven't, sir.

14 THE COURT: And you insist on being
15 contemptuous. I'm going to give you a final
16 opportunity. If I bring the jury back, will you abide
17 by my orders?

18 THE WITNESS: Sir, if you will honor your
19 position as a judge as you took an oath to do so and you
20 allow me to give full testimony as you said earlier to
21 tell the whole truth and nothing but the truth so help
22 me God, yes, sir, I will comply with everything you say.

23 THE COURT: Will you abide by my instructions
24 with regard to running this courtroom? You will follow
25 my orders?

1 THE WITNESS: I have total respect for any
2 courtroom, sir, that runs in a lawful manner,
3 absolutely, but if you do not, sir, no, sir, I will not.

4 THE COURT: All right. Mr. Iacopino, I'm
5 about to exclude him for the remainder of the
6 proceedings until he can promise me to obey himself. As
7 part of that, I will consider striking his entire
8 testimony.

9 THE WITNESS: Of course.

10 THE COURT: Mr. Brown, you're doing it again.

11 THE WITNESS: I'm getting ready to leave.
12 You're going to throw me out, so I might as well get
13 ready.

14 THE COURT: I'm going to adjourn and give you
15 a chance, Mr. Iacopino, to indicate to me why I should
16 not do that. We'll resume tomorrow morning at 8:30. I
17 will give you time to talk to your client. But I've
18 lost patience with this.

19 All right. We are in recess. We are going to
20 continue with the other individuals as soon as we have a
21 break here. Take a ten-minute break.

22 MR. IACOPINO: Your Honor, is the jury going
23 to be coming back in?

24 THE COURT: Do you want them back in? I'll
25 bring them back in. Mr. Brown, you can take a seat at

1 the table. Bring in the jury.

2 THE CLERK: Yes, your Honor.

3 BEFORE THE JURY

4 THE COURT: Ladies and gentlemen of the jury,
5 we are going to recess for the day. I want you to
6 disregard the issue with Mr. Brown that I had. It's not
7 to enter into your deliberations or evidence. We'll
8 resume tomorrow morning at 8:30, and again, it's
9 possible we may send it to you for deliberation
10 tomorrow. Unlikely, but possible, but certainly the
11 next day it's likely. Until then, remember, don't read
12 any newspapers, don't listen to any news reports, don't
13 do any independent research, and don't discuss this case
14 with anyone. Keep an open mind. You haven't heard all
15 of the evidence.

16 Jury's excused until 8:30 tomorrow morning.

17 (Jury excused at 2:00 p.m.)

18 IN CHAMBERS

19 THE COURT: All right. We are going to put on
20 the Dions, and what area do you want me to inquire into?

21 MR. LANGE: Your Honor, we'd like you to
22 inquire of these witnesses, each of them, as to the same
23 areas.

24 THE COURT: All right. Go ahead.

25 MR. LANGE: That would be as to how they first

1 met Ed and Elaine Brown. I anticipate their answer
2 would be that they met back in 1999. Their contacts
3 with each other thereafter, I believe their answers
4 would be, if allowed to give them, that they met
5 socially regularly, had dinner at each other's homes,
6 and I would ask them if they went to the Plainfield
7 residence after the Browns had been convicted and before
8 they were arrested. My indication is that they would
9 answer yes.

10 I would ask them to describe what happened at
11 the home, and they would describe, I anticipate, the
12 atmosphere was cordial, that Ed did most of the talking,
13 that Elaine appeared to be underweight, that she was
14 cordial. They would also testify, if asked, that they
15 did not hear any of the threats, any indication of hate
16 or anger toward the authorities, state or federal, from
17 either Ed or Elaine, and that Elaine was upset about the
18 loss of her dental practice, especially her employees
19 being forced out of work. And if asked, they would say
20 that they were there while the Browns were building
21 their home and that it was their dream home and that was
22 why they put so much into it.

23 THE COURT: What period of time was this?

24 MR. LANGE: That would have been prior,
25 actually probably beginning in around 1999, 2000. They

1 did not visit with Ed and Elaine Brown after the power
2 was cut off, which would have been at the beginning of
3 June of 2007. They have had communication with them
4 since, but that's irrelevant and I wouldn't seek to
5 elicit it.

6 THE COURT: All right. This is what I have,
7 how you first -- the circumstances of how you first met
8 the two defendants, their contacts, what type of
9 contacts, where or when thereafter, and what was the
10 nature of the contacts, their visits to the Plainfield
11 home of the Browns after the Browns were convicted.
12 This is during the time when the marshals were out
13 front.

14 MR. LANGE: Yes. Actually I don't think the
15 marshals were out front. They were around but they were
16 covert.

17 THE COURT: Arrest warrants were outstanding.

18 MR. LANGE: Arrest warrants were outstanding.

19 THE COURT: You will ask them questions about
20 what they saw and what they did at the Brown house?

21 MR. LANGE: Right; in that time period.

22 THE COURT: And conversations they had with
23 the Browns?

24 MR. LANGE: Yes, sir.

25 THE COURT: And you will ask how the Browns

1 appeared?

2 MR. LANGE: Yes, your Honor.

3 THE COURT: And did they hear any threats from
4 either of the defendants?

5 MR. LANGE: That's right.

6 THE COURT: And was Elaine upset about the
7 loss of her dental practice?

8 MR. LANGE: Correct.

9 THE COURT: And that they stopped -- you
10 wouldn't ask them anything after June of '07 when they
11 stopped visiting.

12 MR. LANGE: I would not.

13 THE COURT: Anything from Mr. Iacopino?

14 MR. IACOPINO: I probably will have no
15 questions for these witnesses.

16 THE COURT: I gather cross-exam is going to
17 consist of what they saw at the Browns' home once they
18 opened it up. Am I correct?

19 MR. HUFTALEN: What they saw and any bias they
20 may have based upon their relationship, he taking over
21 as the commander of the U.S. Constitution Rangers.

22 THE COURT: Is Dion the commander?

23 MR. HUFTALEN: He's the new boss. That's my
24 understanding, I've been told. I haven't seen his
25 credentials. I can tell you that when he went into the

1 District of Massachusetts recently, he requested to be
2 annotated as a member of the U.S. Constitution Rangers,
3 District of Massachusetts. When he was checked through
4 security -- excuse me. Let me rephrase that. Today
5 Dion requested he be annotated as a member of the U.S.
6 Constitution Rangers from the District of Massachusetts
7 when he was checked through security in this courtroom
8 today. So he's apparently holding himself out as a
9 Constitution Ranger, closely affiliated I would say on
10 cross with Mr. Brown.

11 THE COURT: Anything else from anybody? All
12 right. As soon as the lawyers are here, I will advise
13 them of the areas and then we'll put them on the stand.

14 MR. LANGE: You will do the questioning?

15 THE COURT: I will do the questioning, and
16 then I will ask for any additional issues and we'll
17 proceed that way.

18 MR. LANGE: Your Honor, ordinarily my sense is
19 that marshals are anxious to get the Browns back home.
20 It's been a long day for them by 2:30, but I would urge
21 the Court to ask the marshals to give Mr. Iacopino a
22 chance to speak to Mr. Brown before they take him back.

23 THE COURT: I will tell him.

24 MR. LANGE: I'm concerned because if Mr.
25 Brown's testimony is stricken in its entirety, it will

1 obviously have an adverse impact on my client and on my
2 defense.

3 THE COURT: I'm fully willing to listen to
4 alternatives, but I'm reaching the end of my rope with
5 Mr. Brown. I've tried to be as patient as I can. He
6 does not recognize my authority as the judge in this
7 court, or as he calls me Mr., that's clearly -- and this
8 has been consistent, that he doesn't recognize this to
9 be a court, and I've tried to deal with him on a low
10 level basis, but he's indicated very clearly that he
11 will only obey rules that he agrees with and I'm running
12 out of things to do. And clearly unless he is willing
13 to engage in cross-examination, I'm not going to leave
14 the direct there, and that's within my discretion.

15 I will have the marshals keep Mr. Brown here
16 for a short time after we recess for the day so you can
17 talk to him, Mr. Iacopino.

18 MR. IACOPINO: I would just point out -- I
19 kind of need to know what it is that you want him to say
20 to you before you allow him to continue his testimony.

21 THE COURT: I want him to indicate that he
22 will obey my instructions. If he disagrees with them,
23 he has the right to appeal, but he doesn't get to pick
24 and choose depending on whether he disagrees with me
25 whether he will stop talking or answer a question or

1 stop elaborating when I've told him to stop.

2 MR. IACOPINO: Okay.

3 THE COURT: Now, if he can't do that and
4 recognize my authority that I'm running the courtroom,
5 we are going to have a problem very quickly tomorrow.

6 MR. IACOPINO: Can I ask how much more cross
7 the government has?

8 MR. HUFTALEN: A lot less than I've already
9 done.

10 MR. IACOPINO: Does that mean a half hour,
11 20 minutes, an hour?

12 MR. HUFTALEN: Ten minutes, tops.

13 THE COURT: All right. So let me know -- you
14 don't have to hang around here. Let me know when the
15 other lawyers are here and we'll proceed. We'll go into
16 court. Defendants should be in the courtroom when we do
17 this.

18 (Recess taken.)

19 IN CHAMBERS

20 (Michael Ramsdell, Esq. present for Catherine Floyd
21 Dion. William Christie, Esq. present for William Scott
22 Dion.)

23 MR. RAMSDELL: We're not looking to take up
24 much of the Court's time. I apologize if I should have
25 asked this question before. Literally we want to

1 explain to our clients before they come in the courtroom
2 what the process is going to be.

3 THE COURT: I'm going to have them each
4 seriatim take the stand. You should be next to your
5 client. I'm going to explain they have a Fifth
6 Amendment privilege that they are a possible witness.
7 I'm going to indicate -- make sure they indicate they've
8 discussed the issue of self-incrimination with each of
9 you, and I'm going to indicate to them the areas that
10 counsel has presented to me. Let me tell you what they
11 are so theirs is no surprises.

12 Counsel is going to inquire about the
13 circumstances of their meeting the defendants, their
14 contacts with the defendants in terms of social
15 occasions, and obviously any other occasions, their
16 contacts at the Plainfield house after the Browns were
17 convicted, what they saw at the house, what happened at
18 the house in terms of -- I guess they'd have dinner or
19 social occasions there. They are going to ask about
20 conversations they may have had with Elaine or Ed or
21 will be asked to describe Elaine's appearance, Ed's
22 appearance, what they heard from the Browns during the
23 time they were at the house, and specifically, did they
24 hear any threats. I assume it would open up anything
25 else that they heard. About Elaine being upset about

1 the loss of her dental practice, and there would be no
2 questions, at least on direct, as of June of '07. I
3 don't know what contacts they had then, but obviously
4 that would be opened up on cross-examination.

5 On cross, obviously they would be asked what
6 they saw at the house, who else was there, any issues
7 with regard to bias, including membership in the
8 Constitution Rangers.

9 MR. HUFTALEN: There is one other thing I
10 thought of, Judge.

11 THE COURT: Yes?

12 MR. HUFTALEN: I'd also ask them whether or
13 not they were involved with providing Ed and Elaine with
14 any supplies or materials to help them evade -- or stay
15 in the hold-out and evade arrest.

16 THE COURT: Including any derivatives thereof.
17 Obviously cross-examination is more open. Depends on
18 their answers. That's it. You are free to discuss this
19 with your clients in advance. Let us know when you're
20 ready.

21 MR. RAMSDELL: Thank you very much.

22 THE COURT: Take your time.

23 (Recess taken.)

24 BEFORE THE COURT

25 THE COURT: Mr. Dion.

1 WILLIAM SCOTT DION

2 having been duly affirmed, testified as follows:

3 THE WITNESS: I so affirm.

4 THE CLERK: For the record, if you'd please
5 state your name and spell your name.

6 THE WITNESS: It's William Scott Dion,
7 W-I-L-L-I-A-M, Scott, S-C-O-T-T, capital D-I-O-N.

8 THE COURT: Mr. Dion, you're a potential
9 witness in this matter. I'm sure you've had an
10 opportunity to talk to your lawyer, Mr. Christie.
11 You're aware that you have a right not to testify if
12 your answers might tend to incriminate you. Are you
13 aware of that?

14 THE WITNESS: Correct.

15 THE COURT: And have you had enough time to
16 speak to your attorney on that issue?

17 THE WITNESS: Yes.

18 THE COURT: And your attorney advises me that
19 you may take a privilege against self-incrimination, but
20 I want to, before you make a decision on that, indicate
21 to you the areas that you might be questioned about.
22 You would be questioned about your early contacts with
23 both of the defendants and each of the contacts
24 thereafter, including any social or other contacts you
25 have with them. You would be asked specifically about

1 your visits to the Plainfield home of theirs after they
2 had been convicted of tax evasion. You would also be
3 asked questions about what you saw and what you heard at
4 the Browns' home during those visits. You would be
5 asked how the Browns appeared, how they looked to you,
6 whether you heard any threats or any other conversation
7 at the home, and you will be inquired into with regard
8 to what any conversation you did hear was about. You
9 will be asked specifically whether Mrs. Brown was upset
10 about the loss of her dental practice.

11 And the direct examination I'm advised will
12 stop as of June of '07, but that will be the last time
13 period you'd be asked about. But on cross-examination
14 it might go beyond that period of time.

15 On cross-examination I'm advised that they --
16 you would be asked about who you saw there and what
17 items you saw there, your membership in the Constitution
18 Rangers, and whether or not you provided supplies or
19 other material to the Browns that they may have used
20 while they were at the Plainfield home.

21 Have you had an opportunity to discuss each of
22 these issues with your attorney?

23 THE WITNESS: Yes.

24 MR. HUFTALEN: Is it your intent to assert
25 your privilege with regard to conviction -- your Fifth

1 Amendment privilege with regard to self-incrimination
2 with regard to any of these questions?

3 THE WITNESS: Yes, I would exercise my rights.

4 THE COURT: Are there any that you would not
5 exercise your right against self-incrimination that I've
6 listed for you?

7 THE WITNESS: Few, if any.

8 THE COURT: Can you think of any? You can
9 talk to your lawyer before you answer.

10 (Pause.)

11 THE COURT: Are there any that you would not
12 assert your right against self-incrimination.

13 THE WITNESS: None that I can think of.

14 THE COURT: Any other questions from counsel
15 or any comments or suggestions? Mr. Lange?

16 MR. LANGE: No. I take it that neither the
17 Court nor the government would provide immunity to this
18 witness.

19 THE COURT: The government.

20 MR. HUFTALEN: Will not provide.

21 THE COURT: Anything else, Mr. Lange, either
22 suggestions or additional issues?

23 MR. LANGE: No. You covered the areas that I
24 had.

25 THE COURT: Thank you. Mr. Iacopino, anything

1 at all?

2 MR. IACOPINO: Nothing, your Honor.

3 THE COURT: Then my intention is to excuse
4 this witness because there are no issues indicated to me
5 that he's willing to testify without asserting his
6 privilege against self-incrimination. Does anyone
7 object to that? I hear no objection.

8 MR. LANGE: I object to the government's
9 position not to provide immunity, but I understand the
10 witness has his legal right.

11 THE COURT: Your objection is with regard to
12 the government not giving immunity.

13 MR. LANGE: That's right.

14 MR. IACOPINO: I would join in that, your
15 Honor.

16 THE COURT: That objection is preserved.
17 Otherwise there is no objection and I will go ahead and
18 excuse you. Thank you, Mr. Dion. And thank you, Mr.
19 Christie, for taking on this issue.

20 Mr. Ramsdell and Ms. Dion.

21 THE COURT: Ms. Dion, if you would come right
22 up front here along with your counsel.

23 CATHERINE FLOYD DION
24 having been duly affirmed, testified as follows:

25 THE WITNESS: I affirm.

1 THE CLERK: For the record, if you'd please
2 state your name and spell your name.

3 A. Catherine Floyd, C-A-T-H-E-R-I-N-E, F L O Y D.

4 THE COURT: Ms. Dion, your attorney advises me
5 that you may assert a privilege against
6 self-incrimination; is that correct?

7 THE WITNESS: Yes.

8 THE COURT: And you are aware that you have a
9 right not to answer questions if those answers may
10 incriminate you. Do you understand that?

11 THE WITNESS: Yes.

12 THE COURT: And have you had a full and
13 adequate opportunity to discuss that with your attorney?

14 THE WITNESS: Yes.

15 THE COURT: Before you make a final decision,
16 I want to indicate to you the areas that you might be
17 questioned about. You would be questioned about your
18 early contacts with each of the defendants and each of
19 the contacts you've had with each of them thereafter,
20 including any social or other contacts you may have had
21 with them. You would be asked specifically about your
22 visits to the Plainfield home of theirs after they had
23 been convicted of tax evasion in this court. You would
24 also be asked questions about what you saw and what you
25 heard at the Brown home during those visits. You would

1 be asked how the Browns appeared, how they looked to
2 you, whether you heard any threats or any other
3 conversations at the home, and you would be inquired
4 into with regard to any other conversation you heard
5 while you were there. You would also be asked
6 specifically whether Mrs. Brown was upset about the loss
7 of her dental practice, and I'm advised that in direct
8 examination Mr. Lange would not ask you any questions
9 about what happened after June of '07, but it is
10 possible that on cross-examination the attorney would
11 ask questions beyond that period of time, beyond
12 June 2007.

13 I'm advised that on cross-examination you
14 would be asked about who you saw at the Plainfield home,
15 what items, including firearms, you may have seen there,
16 and be asked questions either about your membership or
17 your husband's membership in the Constitution Rangers.
18 You would also be asked whether you provided supplies or
19 other material to the Browns that they may have used
20 while they were at the Plainfield home.

21 Have you had an opportunity to discuss each of
22 those issues with your attorney?

23 THE WITNESS: Yes.

24 THE COURT: Is it your intent to assert your
25 privilege against self-incrimination with regard to any

1 of these questions?

2 THE WITNESS: Yes.

3 THE COURT: Are there any questions that you
4 would not assert -- that I've listed, any areas that you
5 would not assert your right against self-incrimination?

6 THE WITNESS: No.

7 THE COURT: Do you want to talk to counsel at
8 all?

9 Any other questions or requests from Mr.
10 Lange.

11 MR. LANGE: Yes. As with the other witness, I
12 would request the government grant immunity for this
13 witness so that my client can have this witness testify
14 as part of her defense.

15 THE COURT: Mr. Huftalen?

16 MR. HUFTALEN: The government will not.

17 MR. IACOPINO: Your Honor, I would beseech the
18 Court to do so.

19 THE COURT: The Court is not in a position to
20 do so and will not do so. Are there any other -- my
21 intent again is to excuse this witness. Absent -- while
22 preserving the objections you just made, are there any
23 other requests or additional areas that counsel wishes
24 me to cover?

25 MR. LANGE: Your Honor, I have no other

1 requests. I respect this citizen's right to assert her
2 right against self-incrimination.

3 THE COURT: Thank you.

4 MR. IACOPINO: Nothing, your Honor.

5 THE COURT: Thank you. All right. You're
6 excused. She will not be testifying.

7 Yes? You have something you want to say, Mr.
8 Huftalen?

9 MR. HUFTALEN: Yes, I do.

10 THE COURT: Let me just deal with witness
11 issues. Do you have additional witnesses after Mr.
12 Brown, Mr. Iacopino?

13 MR. IACOPINO: No, your Honor.

14 MR. LANGE: We'll have our witnesses here at
15 nine o'clock, your Honor.

16 THE COURT: How long do you think your case
17 is?

18 MR. LANGE: I don't know.

19 THE COURT: That's fair. That's a good
20 answer. All right. Now Mr. Huftalen.

21 MR. HUFTALEN: This morning I offered a couple
22 of exhibits. They were video exhibits and one of them
23 was mistakenly marked. It's the undercover video of the
24 arrest with no audio. I moved it in as Government 1a-A.
25 That was not the appropriate designation. It is

1 Government Exhibit 1i-A.

2 THE COURT: You want to substitute the
3 designation? Or is it a different exhibit? Did you
4 just misidentify it?

5 MR. HUFTALEN: Just misidentified it. We just
6 changed the name or the number on the exhibit sticker.

7 THE COURT: That's without objection? It is
8 without objection. Very good.

9 Anything else before we adjourn for the day?
10 See you all at 8:30.

11 (Adjourned at 3:00 p.m.)

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C E R T I F I C A T E

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I, Diane M. Churas, do hereby certify that the

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foregoing transcript is a true and accurate

6

transcription of the within proceedings, to the best of

7

my knowledge, skill, ability and belief.

8

Submitted: 12/1/09

9

/s/ Diane M. Churas _____
DIANE M. CHURAS, LCR, CRR

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